

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Matthew Major,	)	C/A No. 5:13-cv-00457-MGL-KDW
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Report and Recommendation
	)	
	)	
John Pate, Thomas E. Byrne, and Arthur	)	
Jordan,	)	
	)	
Defendants.	)	
	)	

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Plaintiff, an inmate proceeding pro se, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. On September 9, 2013, Defendants filed a Motion for Summary Judgment. ECF No. 34. As Plaintiff is proceeding pro se, the court entered an order on September 10, 2013, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the importance of dispositive motions and of the need for him to file adequate responses. ECF No. 36. Plaintiff was informed that his response was due by October 15, 2013, and was specifically advised that if he failed to respond adequately, Defendants' motion may be granted, thereby ending his case. Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff has failed to respond to the motion.

On October 22, 2013, the court ordered Plaintiff to advise the court by November 8, 2013 whether he wished to continue with the case. ECF No. 40. The October 22, 2013 Order was mailed to Plaintiff's last known address: Matthew Major, #291751, Allendale Correctional Institution, PO Box 1151, Fairfax, SC 29827. ECF No. 43 at 1. The envelope containing this

Order was returned to the court with the notation: Return to Sender, Attempted – Not Known, Unable to Forward. *Id.* Plaintiff was advised previously by Order dated March 3, 2013, of his responsibility to notify the court *in writing* if his address changed. ECF No. 10.

Based on the foregoing, it appears Plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that Defendants' Motion for Summary Judgment, ECF No. 34, be granted and this action be dismissed *with prejudice* for lack of prosecution and for failure to comply with this Court's orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982). *See Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989).

IT IS SO RECOMMENDED.

A handwritten signature in black ink, reading "Kaymani D. West". The signature is fluid and cursive, with the first name "Kaymani" being more prominent and the last name "West" following in a similar style.

November 13, 2013  
Florence, South Carolina

Kaymani D. West  
United States Magistrate Judge

**The parties are directed to note the important information in the attached  
“Notice of Right to File Objections to Report and Recommendation.”**